



THE CITY OF SAN DIEGO

## HOW TO OBTAIN A NEIGHBORHOOD USE PERMIT FOR A

# Community Garden

CITY OF SAN DIEGO DEVELOPMENT SERVICES  
1222 FIRST AVENUE, MS 501 SAN DIEGO, CA 92101-4101  
CALL (619) 446-5300 FOR APPOINTMENTS AND (619) 446-5000 FOR INFORMATION

INFORMATION  
BULLETIN

# 550

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This information bulletin describes the minimum submittal requirements for a community garden Neighborhood Use Permit. The regulations for community gardens are in Section 141.0203 of Chapter 14, Article 1, Division 2 of the Municipal Code.

## I. REVIEW PROCESS

The review process for a proposed community garden is based on the characteristics of the proposed development and applicable zoning.

**A.** A community garden is allowed as a limited use in zones indicated with an "L" without an application. The garden must be developed and operate as required by the Community Garden Regulations in Section 141.0203 of the Municipal Code.

**B.** A community garden may only be approved with a Neighborhood Use Permit in zones indicated with an "N" because the use in the zone has the potential to cause limited impacts on surrounding development.

**C.** Use this information bulletin to prepare your application for submittal to the Development Services Department. Staff reviews applications for community gardens that require a Neighborhood Use Permit for compliance with the supplemental regulations in Chapter 14, Article 1, Division 2, and identify any special conditions that may be required to minimize potential impacts. The Process 2 staff level decision to approve or deny a Neighborhood Use Permit for a Community Garden is appealable to the Planning Commission.

## II. WHAT IS A COMMUNITY GARDEN?

Community gardens are premises that are divided into multiple plots for crop cultivation by individual parties.

## III. WHERE TO START

### A. Selecting a site

1. Identify the zones that allow community gardens as a Limited Use and those that require a Neighborhood Use Permit. Find this information in the Use Tables for Open Space, Agricultural, Residential, and Industrial Zones in Chapter 13, Article 1 of the Municipal Code (community gardens are not permitted in commercial zones).
2. If the zoning for the site selected allows community gardens a limited use then no application for the community garden is required. The garden must be developed and

## Documents Referenced in this Information Bulletin

- **Community Gardens Regulations, ([SDMC Chapter 14, Article 1, Division 2](#))**
- **Coastal Development Permit Regulations, ([SDMC Chapter 12, Article 6, Division 6](#))**
- **Environmentally Sensitive Lands Regulations, ([SDMC Chapter 14, Article 3, Division 1](#))**
- **Fence Regulations, ([SDMC Chapter 14, Article 2, Division 3](#))**
- **[Information Bulletin 115](#), Regulations Covering Building Permit Exceptions**
- **[Information Bulletin 503](#), Fee/Deposit Schedule for Development & Policy Approval/Permits**
- **[Information Bulletin 512](#), How to Obtain Public Noticing Information**
- **Ownership Disclosure Statement, [DS-318](#)**
- **Storm Water Requirements Applicability Checklist, [DS-560](#)**
- **General Application, [DS-3032](#)**
- **Deposit Account/Financial Responsibility Form, [DS-3042](#)**

operated consistent with Community Garden Regulations. There may however, be other permit requirements. See Sections III.A, 4 through 6 below for other possible permit requirements.

3. Select a site served by an existing water meter. If there is no water meter serving the site the applicant will be required to install a water meter and pay for the associated water capacity.
4. Avoid a site that contains environmentally sensitive lands such as wetlands, steep slopes, and sensitive biological resources (see Chapter 14, Article 3, Division 1 for more information). These sites may trigger additional permit requirements and environmental review which will likely result in increased time and cost.
5. Sites located in the Coastal Overlay Zone will be required to process a Coastal Development Permit (discretionary Process 2 or 3) in accordance with Chapter 12, Article 6, Division 7 of the Municipal Code.
6. Limit the roof area of the equipment/tool storage shed to 120 square feet, if possible, to be exempt from obtaining a building permit for the structure. Other project features such as plumbing, electrical, and mechanical may trigger requirements for a permit. See Information Bulletin 115

(Regulations Covering Building Permit Exemptions) for more information.

**B. Complete the General Application Package:** (Provide 1 copy).

1. General Application Form (DS-3032).
2. Deposit Account/Financial Responsibility Form (DS-3242).
3. Ownership Disclosure Statement (DS318)
4. Copy of Current Grant Deed (County Recorder's Office).
5. Storm Water Requirements Checklist (DS-560).
6. Photographic survey of the site. Include pictures of the surrounding properties, the site from different vantage points, existing features such as fences, walls, trees, drainage, and topography.
7. Assessor's Map Page (County Assessor's Office) with the project site outlined in bright highlighter.
8. Public Notice Package for projects that require a Neighborhood Use Permit, see Information Bulletin 512 (Public Noticing Information).
9. A site plan. (Provide 5 copies).

**IV. WHAT MUST BE ON THE SITE PLAN?**

- A. Include project title, site address, plan scale, and necessary notes. See the sample site plan included in this information bulletin.
- B. Property owner name and address.
- C. Illustrate and explain in notes how the site will be designed and maintained to assure that water and fertilizer will not drain onto adjacent properties.
- D. Identify and describe in notes a minimum 3-foot-wide, clearly marked entrance path from the sidewalk to the garden.
- E. Identify the permanent fence that must be provided on the perimeter of the garden. Be aware of the following when preparing the site plan and notes:
  1. The fence must be at least 5 feet tall but no more than 6 feet tall.
  2. A chain link fence is not permitted along the front property line or street side property line if the site is on a corner.
  3. A fence within the front yard or street side yard must be either an open fence or a solid fence no taller than three feet with open fencing above.
  4. Identify at least one lockable access gate.
  5. Except as otherwise provided in this paragraph, fences shall comply with the Fence Regulations in Chapter 14, Article 2, Division 3 of the Municipal Code.
- F. Identify the refuse storage area.
  1. Locate it as close to the rear and center of the property as practical.

2. Describe how it screens the refuse area (materials, height of screening, and dimensions).

**G. Identify the tool storage area.**

1. Locate it as close to the rear and center of the property as practical without locating it in the rear or side yard setbacks for the zone.
2. Describe the tool storage area (materials, height, dimensions and identify if it is constructed on site or pre-fabricated).

**H. Identify the location and size of the water meter(s) and the location of the hose bib(s).**

**I. Identify garden planting areas.**

**J. Identify the location of existing trees on-site or in the right-of-way adjacent to the sidewalk.**

**K. List the operational requirements in the notes section of the site plan.**

**V. OPERATIONAL REQUIREMENTS**

- A. On-site sale of produce is not permitted.
- B. Hours of operation are limited to the hours between sunrise and sunset.
- C. The garden shall be locked during non-operating hours.
- D. Refuse must be removed from the garden at least once a week.

**VI. HOLD HARMLESS AND/OR INDEMNIFICATION AGREEMENT**

Prior to an approval for a community garden the applicant shall execute and file with the County Recorder a hold harmless and/or indemnification agreement in favor of the City.

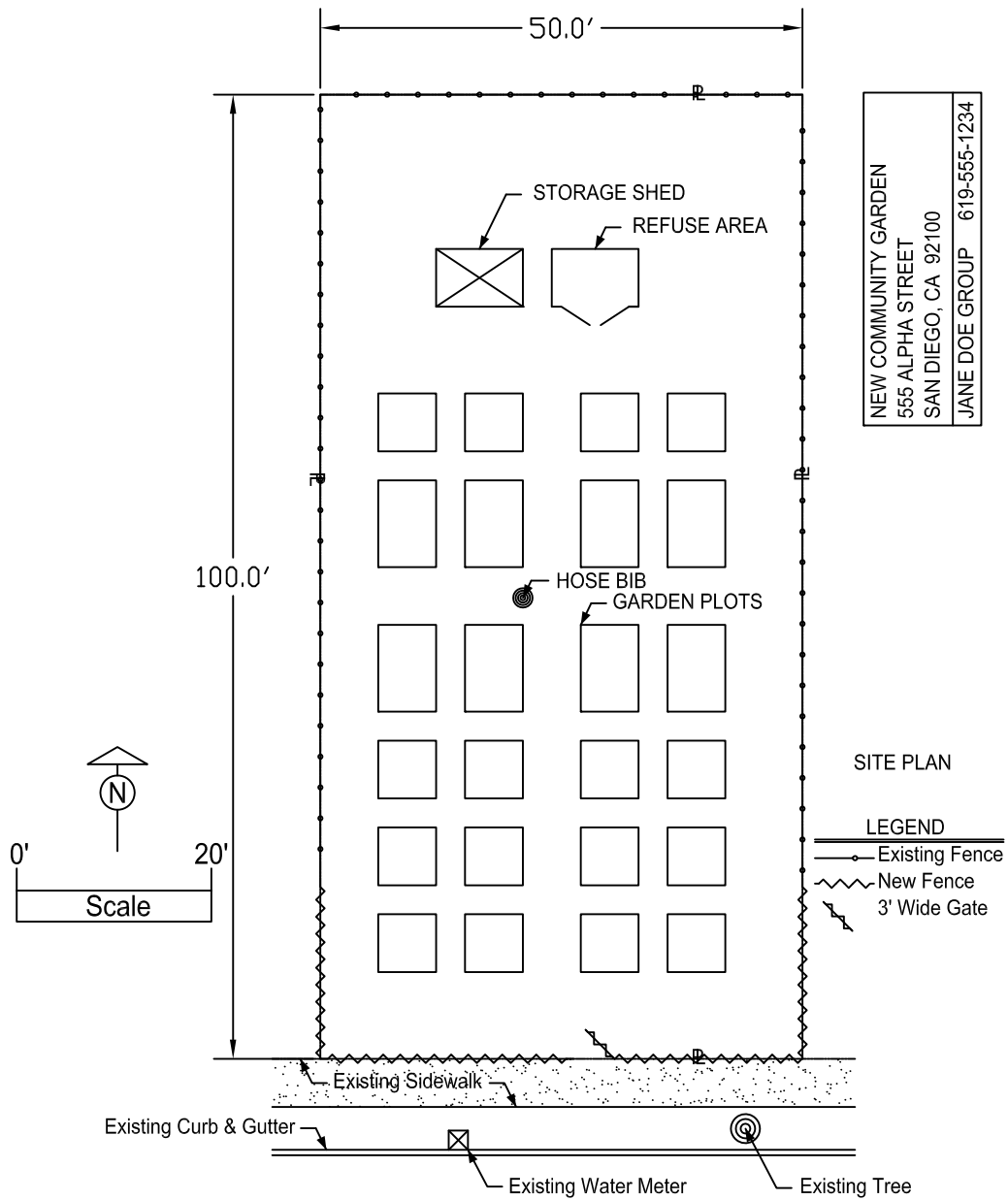
**VII. FEES/DEPOSIT**

The following fees and/or deposits are required based on the required review process.

**A. Limited Use** – If the zone allows community gardens as a limited use, then no fees and or deposits for the community garden are required. However, other project features such as plumbing, electrical, mechanical, and structural may trigger the need for a permit.

**B. Neighborhood Use Permit** - Discretionary permits are reviewed by staff that charge to a deposit account established when the project is submitted. These fees must be paid at the time of submittal. See Information Bulletin 503 (Fee/Deposit Schedule for Development & Policy Approval/Permits).

## Sample Site Plan



### The Site Plan notes need to address all the following

- **Zoning.** Provide the zone of the project site and names of any overlay zone if the site is located within an overlay zone.
- **Runoff.** Discuss how the project prevents water and fertilizers from leaving the site. This note should discuss the site topography, the design of the project as relates to preventing run-off, and how the garden will be watered.
- **Sign.** Describe the entrance sign to the garden, where it is located and what it reads. It should be no larger than 1 square-foot measuring 2' x 6".
- **Fencing.** Describe the fencing and the gate that will surround the perimeter of the site. Include the fence heights, lengths, and materials. Describe if the fence is proposed and/or existing. Also include how the gate will be secured.
- **Refuse Area.** Describe the materials, the length, width, and height of the screening for the refuse area.
- **Equipment/Tool Storage.** Describe the materials, length, width, and height of the equipment/tool storage shed. Include in the description how it is constructed (constructed on site or pre-fabricated).
- **Operational Requirements.** Include the following operational notes:
  - \* The on-site sale of produce is prohibited.
  - \* Use of the community garden is prohibited during the hours between sunset and sunrise.
  - \* The property shall be locked during non-operational hours.
  - \* Refuse shall be removed from the site at a minimum of once a week.